

ORDINANCE NO. 2015-15

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, CREATING A CONSTRUCTION WORK ZONE FOR TRAFFIC AND TEMPORARILY REDUCING THE RATE OF SPEED THEREIN, ON STATE HIGHWAY 78 FROM SPRING CREEK PARKWAY TO STATE HIGHWAY 205, IN THE CITY LIMITS OF THE CITY OF WYLIE; DEFINING THE SPEED LIMIT, REQUIRING THE PLACEMENT OF SIGNS; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE;.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has determined that construction is being undertaken on or near State Highway 78 from the intersections of Spring Creek Parkway to State Highway 205, herein defined, and that in order to protect the traveling public and the workers during the construction of State Highway 78, it is necessary to reduce the maximum permitted speed limit during such construction period, and that the increased penalties provided by State Law for the violation of such limits should be imposed to more effectively enforce such limits; and

WHEREAS, the City Council has further investigated into and determined that the speed limit to be effective in such construction zone is that determined and requested by the Texas Department of Transportation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Creation of Zone. A construction work zone is hereby established in accordance with Section 472.022 of the Transportation Code of the State of Texas for all lanes of traffic along each of the following locations:

- (A) On State Highway 78 from its intersection with Spring Creek Parkway to its intersection with State Highway 205.

SECTION 3. Establishment of Speed Limit. For the above-described zones the prima facie maximum speed limit of 50 miles per hour is hereby established.

SECTION 4. Duration of Construction Zone. Such speed limits will be effective for a period of two (2) years or until the signs which are to be erected pursuant to Section 5 below are removed by the City of Wylie, whichever is sooner. Thereafter, the speed limit in the said construction zones will revert to a speed limit of 60 miles per hour.

SECTION 5. Requirement of Signs. The City of Wylie or its designee is hereby directed to erect signs marking the above-described construction zones to indicate that the area is a construction work zone, to indicate where the zone begins and ends, and which state "fines double when workers present."


SECTION 6. Penalty Provision. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin a violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.


SECTION 8: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Effective Date. This Ordinance shall become effective immediately upon its adoption and publication as required by law and the Charter of Wylie.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 14th day of April, 2015.


Eric Hogue, Mayor

ATTESTED TO AND AS TO FORM:


Carole Ehrlich, City Secretary

Date of Publication: April 22, 2015, The Wylie





January 16, 2015

CSJ: 0281-02-039
Project: C281-2-39
Highway: SH 78
County: Collin

Mr. Chris Holsted, P.E., CFM
City Engineer
City of Wylie
300 Country Club Road
Wylie, TX 75098

Subject: Construction Speed Zone for SH 78

Dear Mr. Holsted,

This letter is being sent to provide an update concerning the construction speed reduction request for the project. The request has been reviewed by officials in Austin and it has been determined that the speed limit can be lowered to 50 miles per hour through the construction zone. We are requesting that the City of Wylie issue a temporary ordinance reducing the speed limit to 50 miles per hour along SH 78 from Spring Creek Parkway to SH 205.

If there are any additional questions, feel free to contact me here at the office.

Sincerely,

Noel Paramanatham, P.E.
Area Engineer
Dallas County Area Office

:NP/jm
Cc: Project File